

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY



CRIMINAL PETITION NO: 3427 OF 2023

Between:

M.Naveen Kumar, S/o M. Lakshmi Narasaiah. R/o. D.No.10-128/14, VV Nagar,
Tiruchanuru, Tirupathi Rural Mandal & District.

...Petitioner / Accused - 2

AND

1. The State of Andhra Pradesh, (SHO -UPD THIRCHANURU, TIRUPATI DISTRICT) Rep, by its Public Prosecutor, High Court of Andhra Pradesh, at Amaravathi.

...Respondent / Complainant

2. Gotti Subba Naidu @ Subbulu Naidu, S/o Gotti Subba Naidu Vemuru Village,
Tirupathi Mandal AND District

...Respondent / Defacto Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in C.C.No.336 of 2018 on the file of V Additional District Munsif Magistrate Tirupati

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings including the appearance of the petitioner in C.C.No.336 of 2018 on the file of the V Additional District Munsif Magistrate Tirupati pending the above Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Hanumantha Rao Bachina, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri. Harinath Reddy Soma Advocate for the Respondent No.2

The Court made the following:

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

Criminal Petition No.3427 of 2023

ORDER:-

The Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner herein/A2, seeking to quash the proceedings in C.C.No.336 of 2018 on the file of the learned V Additional District Munisif Magistrate, Tirupati.

2. A charge sheet has been filed against the petitioner herein and others for the offences punishable under Sections 447 and 506 read with 34 IPC.

3. Case of the prosecution, in brief, is that on 04.03.2015 at 9 a.m. the accused are alleged to have trespassed into the land belonging to the defacto complainant and tried to close the well with the help of two JCBs and ploughed the mango garden with tractors. The accused further threatened the defacto complainant with dire consequences because of the land disputes.

4. Learned counsel for the petitioner contended that the subject land belongs to the petitioner herein. In support of his

contention he relied upon certain documents of the year 2014 which go to show that land in Survey No.388/3 is in the name of petitioner herein. Apart from it, no other contention has been raised before this Court.

5. On the other hand, learned counsel appearing on behalf of the respondent No.2 submitted that the document which has been relied upon by the learned counsel for the petitioner is of the year 2014. Truth or otherwise of the said document has to be decided during the course of trial. In a petition under Section 482 Cr.P.C. this Court is not entitled to look into the said documents at this stage.

6. Learned Assistant Public Prosecutor, too concurred, with the submission made by the learned counsel for 2nd respondent.

7. Heard. Perused the record.

8. A perusal of record goes to show that the offence alleged is said to have taken place in the land belonging to the defacto complainant which is in the fields of Vemuru Village in Survey No.388/3, Tirupati Rural Mandal within the limits of Tiruchanur Police Station. It is alleged that on 04.03.2015 at 9 a.m., the accused are alleged to have trespassed into the land belonging to

the defacto complainant and tried to close the well with the help of two JCBs and ploughed in the mango garden with tractors. Further, the accused threatened the defacto complainant with dire consequences because of the land dispute. Hence, the defacto complainant resorted in filing the present complaint. Upon receipt of the complaint, police have registered a case in Crime No.57 of 2015 of Tiruchanur Police Station for the offences punishable under Sections 447 and 506 read with 34 IPC. The document on which the learned counsel for the petitioner is relying upon is of the year 2014. At this stage, the defense urged by the learned counsel for the petitioner cannot be looked into and these are the matters which have to be established after full-fledged trial. Relying upon some document and coming to a conclusion that the incident as suggested by the prosecution did not happen, ought not to be tenable. A perusal of the charge sheet goes to show that it has been categorically mentioned that the accused are alleged to have trespassed into the land belonging to the defacto complainant with two JCBs and tractors and tried to close the well. It is further stated that the accused are alleged to have threatened the defacto complainant with dire

consequences. When there are specific accusations made to that extent, this Court in a petition under Section 482 Cr.P.C., would not be in a position to conduct roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

9. Accordingly, the Criminal Petition is dismissed. However, since the complaint is of the year 2015 and the Chare sheet has been numbered in the year 2018, the learned V Additional District Munsif Magistrate is directed to dispose of the said CC in accordance with law within a period of four (4) months from the date of receipt of a copy of this order.

10. As a sequel thereto, the miscellaneous applications pending, if any, in this Criminal Petition shall stand closed.

**SD/- P. VINOD KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The V Additional District Munsif Magistrate: Tirupati, Chittoor District.
2. The Station House Officer, Tiruchanur Police Station, Chittoor District.
3. One CC to Sri. Hanumantha Rao Bachina Advocate [OPUC]
4. One CC to Sri. Harinath Reddy Soma Advocate [OPUC]
5. Two CC's to the Public Prosecutor, High Court of Andhra Pradesh at Amaravati [OUT]
6. **Three CD Copies**

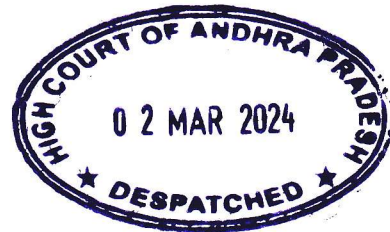
SMA
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HIGH COURT

DATED:07/08/2023

ORDER

CRLP.No.3427 of 2023



DISMISSING THE CRLP

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15/2/2024